IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56405 of 2026

CNR No. BRHC010684952026

Arising Out of PS. Case No.-184 Year-2025 Thana- HASANPUR District- Samastipur

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PANKAJ KUMAR Son of Late Ram Pravesh Yadav Resident of Village- SIHI, P.S.- Hasanpur, District- Samastipur, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Kumar Sameer, Adv.
For the State : Mr. Satyendra Narain Singh, APP
For the Informant : Mr. Pramod Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 04-11-2026 Mr. Kumar Samir, learned Advocate for the petitioner, Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State, and Mr. Pramod Kumar Singh, learned Advocate for the Informant.

2. The petitioner apprehends his arrest in connection with Hasanpur P.S. Case No. 184 of 2025, registered for the offences punishable under Sections 103(1) and 3(5) of the BNS and Section 27 of the Arms Act.

3. The allegation against the petitioner is of causing gun shot injury over the back and head of the informant's brother, besides there is further allegation against other accused persons of causing indiscriminate firing leading to death of the

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informant’s brother.

4. Learned Advocate for the petitioner, referring to the FIR, has submitted that the FIR runs in two parts. In the first part, it is alleged that it is the petitioner who has fired upon the back and head of the informant’s brother, but surprisingly enough, in the second part it is admitted that the deceased died on account of the indiscriminate firing of co-accused Anshul Kumar and Arjun Kumar, and co-accused Arjun Kumar has already been extended the privilege of anticipatory bail by a coordinate Bench of this Court in Criminal Miscellaneous No. 51940 of 2026 vide order dated 28.10.2026. It is further submitted that the entire prosecution case is founded on version of interested witnesses, and moreover, even if the allegation is taken to be true, there ought to have been at least eight rounds of firing, however, as per the search and seizure memo, three bullets were recovered from the place of occurrence and only one bullet was found in the body of the victim as per the post-mortem report, which makes the informant’s claim of indiscriminate firing highly unlikely. The petitioner, though bears two criminal antecedents, however, he is on bail in both the cases.

5. On the other hand, learned Advocate for the State

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and the informant vehemently oppose the bail application and submit that the case of the petitioner is clearly distinguishable to the case of Arjun Kumar, who has been extended the privilege of anticipatory bail, inasmuch as there is specific accusation of causing firearm injury to the informant's brother, which proved fatal.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the specific nature of accusation of causing firearm injury to the informant's brother, which finally proved fatal, besides the petitioner is carrying two criminal antecedents, this Court is not persuaded to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Harish Kumar, J)

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